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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2615

DATE MAILED: 03/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/528,786

**Applicant(s)**

PHILLIPS ET AL.

**Examiner**

HUY T NGUYEN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 6 and 10 are objected to because of the following informalities: See examiner comment below. Appropriate correction is required.

Claim 6, line 1, "EDL" , first occurrence, should be changed to --EDL generator --.

Claim 10, line 1, "10" should be changed to -- 9 --.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peter et al (5,905,841) in view of in view of Savoie (6,381,608).

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Regarding claim 1, Peter disclose an editing system for editing a plurality of material media a to produce result media composition including of interlaced frames having multiple field (column 4, line 40-68). the system comprises :

an editor for performing editing action ;

an EDL generator for generating an EDL (column 9, lines 5-34).

Peter fails to teaches that the EDL further comprises a filed relationship between the interlaced frames .

Savoie teaches an editing system capable of editing the video signal of a film and generating a edit list that comprises file relation ship between frames (Fig. 7, column 6, lines 16-30).

It would have bee obvious to one of ordinary skill in the art to modify Peters with Savoie by providing a generating means as taught by Savoie with the editing list generator of Peter for further generating a field relationship for the editing list thereby accurately identifying the editing process of the interlaced frame .

Regarding claim 3, Peter as modified with Savoie further teaches the material is a video signal derived from a film material (See Peters, column 4, lines 40-68).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Savoie as applied to claim 1 above, further in view of Norton (6,016,380).

Regarding claim 5, Peter fails t teach that the material derived from a video tape .

Norton teaches an editing apparatus for editing the material from a video tape (Fig. 1).

It would have been obvious to one of ordinary skill in the art to modify Peters with Norton by using the teaching of Norton for providing a video tape as an alternative material media for the system of Peters

5. Claims 6,11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Savoy as applied to claim 1 above, further in view of Norton et al (5,568,275).

Regarding claim 6, Peters as modified with Savoie further teaches that the EDL further including metadata (time code , filed frame ) but fails to teaches that the editing list can be communication with a processor . Norton teaches editing apparatus having transmitting means for transmitting an editing list to a processor for further processing the video (column 5, lines 60-68)

It would have been obvious to one of ordinary skill in the art to modify Peter as modified with Savoie with Norton by using a transmitting means as taught by Norton with the apparatus of Peter as modified with Savoie to enable transmitting the EDL to processor for further processing the video signal thereby enhancing the capability and function of the apparatus of Peters in editing the video signal .

Regarding claim 11, Peter as modified with Norton further teaches an online editing system that comprises a processor (column 5, lines 60-68).

Regarding claim 12, Peters and Norton teach establish synchronizing with frame timing of the media (See Peters column 5, lines 8-22, Norton column 4).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER